

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HEATH VINCENT FULKERSON,

Case No. 3:19-cv-00722-MMD-CLB

Plaintiff.

ORDER

PUBLIC UTILITIES COMMISSION OF
NEVADA,

Defendant.

12 Pro se Plaintiff Heath Vincent Fulkerson (“Fulkerson”) brings this civil rights action
13 under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of
14 Magistrate Judge Carla L. Baldwin, concerning Fulkerson’s application to proceed *in forma
pauperis* (“IFP Application”) (ECF No. 1) and *pro se* complaint (“Complaint”) (ECF No. 1-
15 1). (ECF No. 3.) Any objection to the R&R was due by April 6, 2020, but none has been
16 filed. The Court will accept the R&R in full.
17

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

28 | //

1 The Court finds it unnecessary to engage in de novo review to determine whether
2 to adopt Judge Baldwin's R&R and is satisfied that there is no clear error. Here, Judge
3 Baldwin recommends granting the IFP Application due to Fulkerson's inability to pay the
4 filing fee and that the Court dismiss this action with prejudice because the allegations in
5 the Complaint are incomprehensible and deficient of the pleading standard set forth by
6 Federal Rule of Civil Procedure 8(a)(2). (ECF No. 3 at 2, 3–4.) Further, the allegations are
7 duplicative of those in another case—Case No. 3:20-cv-0007-RCJ-WGC—that is further
8 along. (*Id.* at 4.) Having reviewed the Complaint, the Court agrees with Judge Baldwin and
9 will accept and adopt the R&R in full.

10 It is therefore ordered, adjudged and decreed that the Report and Recommendation
11 of Magistrate Judge Carla L. Baldwin (ECF No. 3) is accepted and adopted in its entirety.

12 It is further order that the IFP Application (ECF No. 1) is granted.

13 It is further ordered that the Clerk of the Court file the Complaint (ECF No. 1-1).

14 It is further ordered that the Complaint is dismissed with prejudice and without leave
15 to amend for the reasons stated herein.

16 It is further ordered that the Clerk enter judgment accordingly and close this case.

17 DATED THIS 7th day of April 2020.

18
19
20



21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28